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December 22, 2016

**BY ECF**

Honorable Brian M. Cogan  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Lucio Celli v. Richard Cole et al., 15 Civ. 3679 (BMC) (LB)

Dear Judge Cogan:

I am the Assistant Corporation Counsel assigned to represent Richard Cole, Anne Bernard, and the Department of Education.<sup>1</sup> Defendants write to request a conference to discuss the imposition of sanctions against plaintiff for his vexatious and abusive conduct directed at defendants, counsel, non-parties, and the Court.

United States District Courts have inherent authority to sanction a party appearing before it who acts in bad faith, vexatiously, wantonly, or for oppressive reasons. See Chambers v. NASCO, Inc., 501 U.S. 32, 45-46 (1991). The "[s]pecial solicitude" afforded to *pro se* litigants in the Second Circuit "does not extend to the willful, obstinate refusal to play by the basic rules of the system upon whose very power the plaintiff is calling to vindicate his rights." McDonald v. Head Criminal Court Supervisor Officer, 850 F.2d 121, 124 (2d Cir. 1988).

Last night, between 10:06 p.m. and 11:38 p.m., Mr. Celli sent several emails dozens of times to Corporation Counsel Zachary W. Carter, Department of Education General Counsel Howard Friedman, eight employees of the Department of Education, myself, and several non-parties, including U.S. Attorney Preet Bharara. The emails were addressed to Mr. Friedman, the General Counsel of a represented party. On July 13, 2016, I asked Mr. Celli not to directly communicate with members of the Department of Education about this litigation because they are represented by counsel.

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<sup>1</sup> Upon information and belief, Grismaldy Laboy-Wilson, Courtenaye Jackson-Chase, Esq., and Ms. Susan Mandel, Esq., have not been served.

**HONORABLE BRIAN M. COGAN**

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Mr. Celli's emails last night ignore my July 13<sup>th</sup> admonishment and are an intentional effort to harass the defendants. Mr. Celli sent his emails what is believed to be a total of seventy-two times in order to overwhelm the recipients' email mailboxes. Moreover, he clearly stated his intent in both the opening and closing lines of one such email:

Dear Mr. Freidman: since you want to get away with a crime by ignoring me ... *it is time to annoy you* asshole [sic] . . . . [n]o one have [sic] the fucking right to commit a crime against me and *I'm going to do this daily* until your corrupt ass answers me...this makes me happy and not therapy because you mother fuckers are in my head because you keep on saying a document fucking exist [sic] and I never and ever seen these documents you fucking bastard...your mother should have swallowed you . . . *I'm going to haunt you mother fuckers until I get a fucking answer.*

Mr. Celli's emails last night came after three additional emails of a similar tone sent yesterday, one of which was addressed to me. Defendants will provide the Court with copies of the 75 emails from Mr. Celli upon request.

Mr. Celli's Court filings on December 12, 2016, incorporate similar profane and disrespectful language. Obviously dissatisfied with the Court's orders dated October 26, 2016, and December 8, 2016, and the deadline set for Mr. Celli's response to my pre-motion letter, Mr. Celli now has resorted to spamming my clients, my office colleagues, and various third parties with his profanity-laced diatribes.

Thank you for your consideration of this request.

Respectfully submitted,

*/s/ Michael Nacchio*

Michael Nacchio  
Assistant Corporation Counsel

cc: Mr. Lucio Celli  
(By E-mail and US Mail)